

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE: METHYL TERTIARY BUTYL )  
 ETHER (“MTBE”) PRODUCTS LIABILITY )  
 LITIGATION )**

**Master File No. 1:00 – 1898  
 MDL 1358 (VSB)**

This document pertains to: )

*Commonwealth of Pennsylvania v. Exxon Mobil )  
 Corp., et al., No.: 1:14-cv-06228 )  
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**STIPULATION AND ORDER OF DISMISSAL AS TO  
 TOTALENERGIES PETROCHEMICALS & REFINING USA, INC.**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of TotalEnergies Petrochemicals & Refining USA, Inc. (hereinafter “TPRI” or “Settling Defendant”) with prejudice, and further stipulate that no further approval or review of the Settlement Agreement executed by and between the Plaintiff and Settling Defendant (“Agreement”) by the Court is required. This Stipulation of Dismissal is effective upon filing. *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2nd Cir. 1998).

Is it hereby ORDERED that all of the claims and cross-claims against TPRI are hereby dismissed with prejudice and that no further approval or review of the Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine Settling Defendant’s or any other Releasee’s (as that term is defined in the Agreement) apportioned share of liability for any and all claims in the same manner and in the same form of trial verdict as for all non-settling defendants, as if Settling Defendant or any other Releasee(s) had remained Non-Settling Defendant(s). The Commonwealth’s recoverable damages against Non-Settling

Defendants will be reduced in accordance with the procedures and provisions set forth in Section III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to Settling Defendant or any other Releasee in a final judicial determination.

It is further ORDERED that, to the extent applicable, all claims against all Defendants named in the above-captioned action (including Non-Settling Defendants) for all reimbursement payments made, or to be made, from the Pennsylvania Underground Storage Tank Indemnification Fund ("USTIF") to Settling Defendant or any other Releasee, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments to Settling Defendant or any other Releasee, are hereby dismissed with prejudice.

This Stipulation and Order shall not dismiss any other claims by Plaintiff against any other Defendants.

Plaintiff, Commonwealth of Pennsylvania,  By its attorneys,  <u>/s/ Michael Axline (with permission)</u> Michael Axline Miller & Axline, P.C. 1050 Fulton Avenue, Suite 100 Sacramento, CA 95825 Tel: (916) 488-6688 Fax: (916) 488-4288 Email: maxline@milleraxline.com	Defendant, TotalEnergies Petrochemicals & Refining USA, Inc.,  By its attorneys,  <u>/s/ Christopher H. Domingo</u> Christopher H. Domingo Diane L. Myers Jones Day 717 Texas, Suite 3300 Houston, TX 77002 Tel: (832) 239-3939 Fax: (832) 239-3600 Email: chdomingo@jonesday.com Email: dmyers@jonesday.com  Traci L. Lovitt Jones Day 250 Vesey Street New York, NY 10281 Tel: (212) 326-3939 Fax: (212) 755-7306 Email: tlovitt@jonesday.com
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<p>Defendants, Atlantic Richfield Company, BP America Inc., BP Amoco Chemical Company (n/k/a INEOS US Chemical Company), BP Holdings North America Limited, BP p.l.c., BP Products North America, Inc., BP West Coast Productions, L.L.C.,</p> <p>By their attorneys,</p> <p><u>/s/ Amanda A. Jacobowski (with permission)</u> J. Andrew Langan Andrew R. Running Amanda A. Jacobowski Kirkland &amp; Ellis LLP 300 North LaSalle Street Chicago, IL 60654 Tel: (312) 862-2412 Fax: (312) 862-2200 Email: Andrew.langan@kirkland.com Email: andrew.running@kirkland.com Email: amanda.jacobowski@kirkland.com</p>	<p>Defendants, Chevron Corp., Chevron U.S.A., Inc., TRMI-H LLC, and Texaco, Inc.,</p> <p>By their attorneys,</p> <p><u>/s/ Charles Correll (with permission)</u> Charles C. Correll, Jr. James J. Maher King &amp; Spalding LLP 1100 Louisiana Houston, TX 77002 Tel: (713) 276-7354 Fax: (713) 751-3290 Email: ccorrell@kslaw.com Email: jmaher@kslaw.com</p>
<p>Defendants, Citgo Petroleum Corporation, and Citgo Refining and Chemicals Company, LP,</p> <p>By their attorneys,</p> <p><u>/s/ Susan M. Razzano (with permission)</u> Nathan Philip Eimer Lisa S. Meyer Susan M. Razzano Eimer Stahl LLP 224 South Michigan Avenue, Suite 1100 Chicago, IL 60604 Tel: 312-660-7600 Fax: 312-692-1718 Email: neimer@eimerstahl.com Email: lmeyer@eimerstahl.com Email: srazzano@eimerstahl.com</p>	<p>Defendants, ConocoPhillips Company, ConocoPhillips, Phillips 66, Phillips 66 Company,</p> <p>By their attorneys,</p> <p><u>/s/ Jessica Farley (with permission)</u> Stephen Cann Dillard Jessica Farley Norton Rose Fulbright 1301 McKinney, Suite 5100 Houston, TX 77010 Tel: (713) 651-5507 Fax: (713) 651-5246 Email: steve.dillard@nortonrosefulbright.com Email: jessica.farley@nortonrosefulbright.com</p>

<p>Defendant, Crown Central, LLC,</p> <p>By its attorneys,</p> <p><u>/s/ Duke K. McCall, III (with permission)</u> Duke K. McCall, III Patrick A. Harvey Morgan, Lewis &amp; Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 Tel: (202) 373-6607 Fax: (202) 739-3001 Email: duke.mccall@morganlewis.com Email: patrick.harvey@morganlewis.com</p>	<p>Defendants, Cumberland Farms Inc. and Gulf Oil Limited Partnership,</p> <p>By their attorneys,</p> <p><u>/s/ Chad W. Higgins (with permission)</u> Chad W. Higgins Bernstein Shur 100 Middle Street, P.O. Box 9729 Portland, ME 04104 Tel: (207) 228-7186 Fax: (207) 774-1127 Email: chiggins@bernsteinshur.com</p> <p>Mark Edward Tully Goodwin Procter, LLP 100 Northern Avenue Boston, MA 02210 Tel: (617) 570-1289 Fax: (617) 523-1231 Email: mtully@goodwinprocter.com</p>
<p>Defendants, Equilon Enterprises LLC, Pennzoil Company, Pennzoil Quaker State Company, Motiva Enterprises LLC, Shell Oil Company, Shell Oil Products Company LLC, TMR Company, Shell Trading (US) Company, and Deer Park Refining LP,</p> <p>By their attorneys,</p> <p><u>/s/ Peter Condron (with permission)</u> Peter Condron Jessica Douglas Gilbert Crowell &amp; Moring, LLP 1001 Pennsylvania Ave., NW Washington, DC 20004 Tel: (202) 624-2558 Fax: (202) 628-5116 Email: pcondron@crowell.com Email: jgilbert@crowell.com</p>	<p>Defendant, George E. Warren LLP,</p> <p>By its attorneys,</p> <p><u>/s/ Ira Brad Matetsky (with permission)</u> Ira Brad Matetsky Ganfer Shore Leeds &amp; Zauderer LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 Tel: (212) 922-9250 Fax: (212) 922-9335 Email: imatetsky@ganfershore.com</p>

<p>Defendants, Exxon Mobil Corporation, Exxon Company, U.S.A., ExxonMobil Refining &amp; Supply Company, Mobil Oil Corporation, and Exxon Mobil Oil Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Lisa Gerson (with permission)</u> James Anthony Pardo Lisa Gerson McDermott, Will &amp; Emery, LLP One Vanderbilt Avenue New York, NY 10017 Tel: (212) 547-5353 Fax: (212) 547-5444 Email: jpardo@mwe.com Email: lgerson@mwe.com</p> <p>William Stack Carlos Bollar Archer &amp; Greiner, PC 1025 Lauren Oak Road Vorhees, NJ 08043 Tel: (856) 795-2121 Tel: (856) 795-0574 Email: wstack@archerlaw.com Email: cbollar@archerlaw.com</p>	<p>Defendant, Getty Properties Corp.,</p> <p>By its attorneys,</p> <p><u>/s/ Susan M. Dean (with permission)</u> John C. McMeekin II Susan M. Dean Rawle &amp; Henderson, LLP The Widener Bldg., One South Penn Square Philadelphia, PA 19107 Tel: (215) 575-4324 Fax: (215) 563-2583 Email: jmcmeekin@rawle.com Email: sdean@rawle.com</p>
<p>Defendant, Guttman Realty Company,</p> <p>By its attorneys,</p> <p><u>/s/ Michael D. Hall (with permission)</u> Michael D. Hall Buchanan Ingersoll &amp; Rooney P.C. 640 Fifth Avenue, 9<sup>th</sup> Floor Newark, NJ 10019-6102 Tel: (973) 424-5609 Fax: (973) 273-9430 Email: michael.hall@bipc.com</p>	<p>Defendants, Hess Corporation and Hess Oil Virgin Islands Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Vern Cassin (with permission)</u> Vern Cassin Christopher Danley Baker Botts LLP 700 K St. NW Washington, DC 20001 Tel: (202) 639-1139 Fax: (202) 508-9321 Email: christopher.danley@bakerbotts.com Email: vernon.cassin@bakerbotts.com</p>

<p>Defendants, PJSC LUKOIL, LUKOIL North America LLC and LUKOIL Pan Americas, LLC,</p> <p>By their attorneys,</p> <p><u>/s/ Joseph L. Sorkin (with permission)</u> Joseph. L. Sorkin Akin Gump Strauss Hauer &amp; Feld LLP One Bryant Park New York, NY 10036-6745 Tel: (212) 872-7464 Fax: (212) 872-1002 Email: jsorkin@akingump.com</p>	<p>Defendant, Petroleum Products Corporation,</p> <p>By its attorneys,</p> <p><u>/s/ Christopher T. Scanlon (with permission)</u> Christopher T. Scanlon Clausen Miller PC 28 Liberty Street, 39<sup>th</sup> Floor New York, NY 10005 Tel: (212) 805-3979 Fax: (212) 805-3939 Email: cscanlon@clausen.com</p>
<p>Defendants, Sun Company, Inc., Sunoco Inc., Sunoco, Inc. (R&amp;M), Energy Transfer Partners, L.P., ETP Holdco Corporation, and Sunoco Partners Marketing &amp; Terminals L.P.,</p> <p>By their attorneys,</p> <p><u>/s/ Daniel Mark Krainin (with permission)</u> Nessa Horewitch Coppinger Beveridge and Diamond, P.C. 1900 N Street, NW, Suite 100 Washington, DC 20036 Tel: (202) 789-6053 Fax: (202) 789-6190 Email: ncoppinger@bdlaw.com</p> <p>Daniel M. Krainin Beveridge &amp; Diamond, P.C. 477 Madison Avenue, 15th Floor New York, NY 10022 Tel: (212) 702-5400 Fax: (212) 702-5450 Email: dkrainin@bdlaw.com</p>	<p>Defendants, United Refining Company and TransMontaigne Product Services LLC,</p> <p>By their attorneys,</p> <p><u>/s/ Dawn Ellison (with permission)</u> Dawn Ellison Greenberg Traurig LLP 2101 L Street, N.W., Suite 1000 Washington, DC 20037 Tel: (202) 331-3100 Fax: (202) 331-3101 Email: ellisond@gtlaw.com</p>

SO ORDERED the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

UNITED STATES DISTRICT COURT JUDGE